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#12

In re Application of :
Leo A. Trevina et al :
Serial No.: 09/941,395 : PETITION DECISION
Filed: August 28, 2001 :
Attorney Docket No.: ALLIA.62CP2C2 :

This is in response to the petition under 37 CFR 1.181, filed May 3, 2004, requesting withdrawal of abandonment based on timely filing of a reply.

A review of the file history shows that the examiner mailed an Office action to applicants on August 27, 2003, setting a one month shortened statutory period for reply. On April 20, 2004, the Office mailed a Notice of Abandonment to applicants for failure to file a reply to the Office action. Applicants state that a reply was attempted to be filed on February 27, 2004, with an executed Certificate of Mailing and a request and fee for a five month extension of time, and provide a copy thereof. For unknown reasons the Postal Service returned the original submission as undeliverable as evidenced by the envelope submitted in evidence. In view of the attempted timely reply, the Notice of Abandonment was mailed in error and is withdrawn and the application restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The application will be forwarded to the examiner for further action.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number


Bruce M. Kisliuk
Director, Technology Center 1600